

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JAMES MCGINN,

Plaintiff,

v.

EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS,  
MASSACHUSETTS ENVIRONMENTAL  
POLICE, SECRETARY KATHLEEN A.  
THEOHARIDES IN HER OFFICIAL  
CAPACITY, and MATTHEW A. BEATON  
IN HIS INDIVIDUAL CAPACITY,

Defendants.

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Civil Action No. 19-cv-11551-IT

**Scheduling Order**

December 17, 2019

**TALWANI, D.J.**

This Scheduling Order is intended to provide a reasonable timetable for discovery and motion practice in order to help ensure a fair and just resolution of this matter without undue expense or delay. The court adopts the parties' suggestion that the deadlines in this Scheduling Order be set to the issuance of the court's decision on Defendants' pending Motion to Dismiss [#20].

**Timetable for Discovery and Motion Practice**

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(f), it is hereby ORDERED that:

1. **Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) and by this court's Notice of Scheduling Conference must be completed by 30 days following entry of the decision.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed more than 120 days following entry of the decision.
3. **Fact Discovery – Interim Deadlines.**
  - a. All requests for production of documents and interrogatories must be served by 60 days following entry of the decision.
  - b. All requests for admission must be served by 90 days following entry of the decision.

- c. All depositions, other than expert depositions, must be completed by 150 days following entry of the decision.
- 4. **Fact Discovery – Final Deadline.** All discovery, other than expert discovery, must be completed by 180 days following entry of the decision.
- 5. **Status Conference.** The court will set a status conference at the close of fact discovery for case management purposes.
- 6. **Expert Discovery.**
  - a. Plaintiff(s)' trial expert(s) must be designated and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by 210 days following entry of the decision.
  - b. Plaintiff(s)' trial experts must be deposed by 270 days following entry of the decision.
  - c. Defendant(s)' trial experts must be designated and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by 255 days following entry of the decision.
  - d. Defendant(s)' trial experts must be deposed by 270 days following entry of the decision.
- 7. **Dispositive Motions.** Dispositive motions, such as motions for summary judgment or partial summary judgment and motions for judgment on the pleadings, must be filed by 300 days following entry of the decision.

#### **Procedural Provisions**

- 8. **Extension of Deadlines.** Motions to extend or modify deadlines will be granted only for good cause shown. All motions to extend shall contain a brief statement of the reasons for the request; a summary of the discovery, if any, that remains to be taken; and a specific date when the requesting party expects to complete the additional discovery, join other parties, amend the pleadings, or file a motion.
- 9. **Motions to Compel or Prevent Discovery.** Except for good cause shown, motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, and similar motions must be filed no later than seven days after the close of fact discovery or the close of expert discovery, whichever deadline is relevant. If additional discovery is compelled by the court after the relevant deadline has passed, the court may enter such additional orders relating to discovery as may be appropriate.
- 10. **Status Conferences.** Any party who reasonably believes that a status conference will assist in the management or resolution of the case may request one from the court upon reasonable notice to opposing counsel.
- 11. **Early Resolution of Issues.** The court recognizes that, in some cases, early resolution of one or more preliminary issues may remove a significant impediment to settlement or

otherwise expedite resolution of the case. Counsel are encouraged to confer and jointly advise the court of any such issues.

12. **Pretrial Conference.** Lead trial counsel are required to attend any pretrial conference.
13. **Discovery Disputes.** Counsel encountering a discovery dispute are encouraged to request a conference with the court before filing a discovery motion.

Date: December 17, 2019

Indira Talwani  
United States District Judge